

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case Number: 04-10246-PBS

UNITED STATES OF AMERICA)
)
)
v.)
)
BRIAN TODD and)
SHAUN TODD)

MOTION IN LIMINE
(Books of Stamps)

NOW COMES the defendant in the above-entitled matter and hereby moves the Court for an order prohibiting the Government from introducing evidence relative to, or commenting about, statements of Taryn Tinkham that she was given hundreds of dollars of books of stamps by the defendant Brian Todd.

In support of the within Motion, the defendant states that this evidence is immaterial and irrelevant. Fed .R. Evid., 402. To the extent that it is being introduced as a prior bad act of the defendant, it should be excluded because it is only relevant to prove the character of the defendant in order to show he acted in conformity therewith. Fed. E. Evid. ,404(b). This evidence was only disclosed to the defense on September 23, 2005, and should be excluded as violating discovery orders of the Court, and otherwise constituting unfair prejudice and surprise to the defendant. L.R. 116.1, Fed. R. Evid., 403.

Dated: September 25, 2005

RESPECTFULLY SUBMITTED
FOR DEFENDANTS
BY THEIR ATTORNEY

/s/ Scott F. Gleason
Scott F. Gleason, Esquire
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CERTIFICATE OF SERVICE

I, Scott F. Gleason, Esquire, do hereby certify that I have this date filed a copy of the within Motion In Limine (Books of Stamps) to Donald L. Cabell, Assistant U.S. Attorney at the United States District Court, Boston, MA by electronic filing.

Dated: September 25, 2005

/s/ Scott F. Gleason
Scott F. Gleason, Esquire